

J. Angus Edwards (USB #4563)
Jones Waldo Holbrook & McDonough PC
170 South Main Street, Suite 1500
Salt Lake City, UT 84101-1644
Telephone: (801) 521-3200
aedwards@joneswaldo.com

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DISTRICT OF UTAH
BY: _____
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Steven J. Nataupsky (Pending *Pro Hac Vice*)
steven.nataupsky@knobbe.com
Julianna M. Simon (Pending *Pro Hac Vice*)
julianna.simon@knobbe.com
KNOBBE MARTENS OLSON & BEAR LLP
2040 Main Street, 14th Floor
Irvine, California 92614
Telephone: 949-760-0404; Facsimile: 949-760-9502

Attorneys for Plaintiff
Carl's Jr. Restaurants LLC

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

CARL'S JR. RESTAURANTS LLC,
a Delaware limited liability company,
Plaintiff,

v.

APOLLO L.C.
an Utah limited liability company,
Defendant.

**FINAL CONSENT
JUDGMENT AND PERMANENT
INJUNCTION AGAINST APOLLO L.C.**

Civil No. 2:16-cv-01164-PMW

Judge Dee Benson

Plaintiff Carl's Jr. Restaurants LLC ("Carl's Jr.") and Defendant Apollo L.C. ("Apollo Burger") consent and agree to the terms and conditions of this Final Consent Judgment and Permanent Injunction.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The Court has personal jurisdiction over each of the parties to this action. The Court also has subject matter jurisdiction over this action pursuant to 15 U.S.C. §§ 1116 and

1121 and 28 U.S.C. §§ 1331, 1338, and 1367(a). Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391(b) and (c).

2. Carl's Jr. is a limited liability company organized and existing under the laws of the State of Delaware, having a place of business at 6303 Carpinteria Avenue, Suite A, Carpinteria, California 93013.

3. Apollo Burger is a limited liability company organized and existing under the laws of the State of Utah, having a principal place of business at 940 West 1700 South, Salt Lake City, Utah 84104.

4. Carl's Jr. filed the Complaint in this lawsuit on November 16, 2016, and Apollo Burger was personally served with the Complaint on November 22, 2016.

5. Apollo Burger agrees that the following United States Trademark Registrations owned by Carl's Jr. are valid and enforceable:

MARK	REG. NO.	GOODS/SERVICES	DATE FILED	REG. DATE
WESTERN BACON CHEESEBURGER	1,456,922	Restaurant services	12/15/1983	09/08/1987
WESTERN BACON CHEESEBURGER	1,481,762	Specially prepared hamburger sandwich comprised of a beef patty with bacon, cheese, fried onion rings, and hickory barbeque sauce for consumption on or off the premises	12/22/1986	03/22/1988
DOUBLE WESTERN BACON CHEESEBURGER	3,895,073	Food items, namely, sandwiches for consumption on or off the premises	09/29/2009	12/21/2010
THE WESTERN BACON SIX DOLLAR	2,912,799	Specially prepared sandwiches, namely, restaurant-style hamburgers	06/10/2003	12/21/2004

MARK	REG. NO.	GOODS/SERVICES	DATE FILED	REG. DATE
BURGER		and cheeseburgers sold at a quick service restaurant outlet at a quick service restaurant price		

6. Apollo Burger agrees that as a result of Carl's Jr.'s substantial and continuous use of Carl's Jr.'s registered trademarks, Carl's Jr. is also the owner of common-law rights in the marks (collectively, "WESTERN BACON CHEESEBURGER Marks").

7. Apollo Burger admits that it has offered to sell and has sold sandwiches named WESTERN BACON CHEESEBURGER (the "Infringing Products"). True and correct copies of images showing Apollo Burger's unlawfully-used mark that is identical and confusingly similar to Carl's Jr.'s WESTERN BACON CHEESEBURGER Marks are attached hereto as Exhibits 1-3.

8. Apollo Burger agrees that the marketing and sale of the Infringing Products may have infringed Carl's Jr.'s rights in the WESTERN BACON CHEESEBURGER Marks.

9. Apollo Burger, and its parents, subsidiaries, affiliates, officers, agents, servants, employees, attorneys, and those persons in active concert or participation with it, who receive actual notice of this injunction by personal service or otherwise, are permanently restrained and enjoined from:

- a. manufacturing, distributing, shipping, importing, displaying, advertising, marketing, promoting, transferring, selling, or offering to sell products that: (i) use or include any of the WESTERN BACON CHEESEBURGER Marks, including, but not limited to, the Infringing Products, or (ii) use or include any marks that are confusingly similar to any of the WESTERN BACON CHEESEBURGER Marks; or

b. otherwise competing unfairly with Carl's Jr.

10. This Court shall retain jurisdiction of this matter for all purposes, including for the purpose of enforcing the terms and provisions of this Final Consent Judgment and Permanent Injunction.

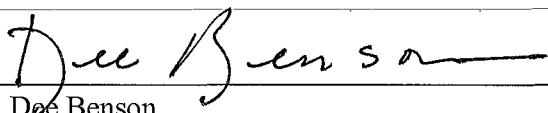
11. Apollo Burger agrees to submit to the personal jurisdiction of this Court in connection with this matter for all purposes, including for the purpose of enforcing the terms and provisions of this Final Consent Judgment and Permanent Injunction.

12. This is a final judgment. Any remaining claims set forth in the Complaint filed by Carl's Jr., to the extent not otherwise addressed by this Final Consent Judgment and Permanent Injunction, are hereby dismissed, the Parties to bear their own attorneys' fees and costs.

IT IS SO ORDERED.

By the Court:

Dated: Feb. 10, 2017



Hon. Dee Benson
United States District Judge

EXHIBIT 1

APOLLO

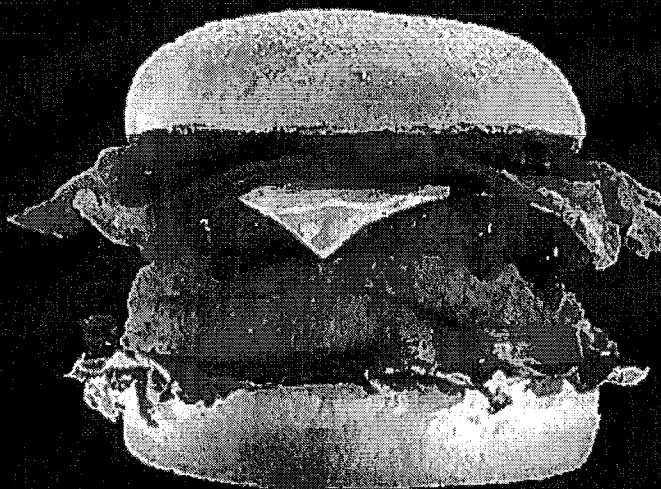
BURGER

EXCLUSIVES - MENU 10/16/17

MENU

Specialty Burgers - \$12.99

APOLLO FAVORITES



Apollo Burger



Cheeseburger



Bacon Cheeseburger



Western Bacon Cheeseburger

\$5.69



Double Cheeseburger



Golden Burger



Veggie Burger



Patty Melt

SIGNATURE BURGERS



7/28/2016

Menu—Apollo Burgers



Athenian Burger

\$6.49



Tangy Bleu Bacon Burger



Hawaiian Teriyaki Burger



Portabella Swiss Burger



YBW Burger (You've Been Warned)

TASTY SANDWICHES





Gyro Sandwich

\$5.49



Broiled Chicken Sandwich



Crispy Chicken Sandwich



Chicken Souvlaki Sandwich



Roasted Turkey & Avocado



Bacon Lettuce & Tomato



Deluxe Grilled Ham & Cheese



New York Steak Sandwich

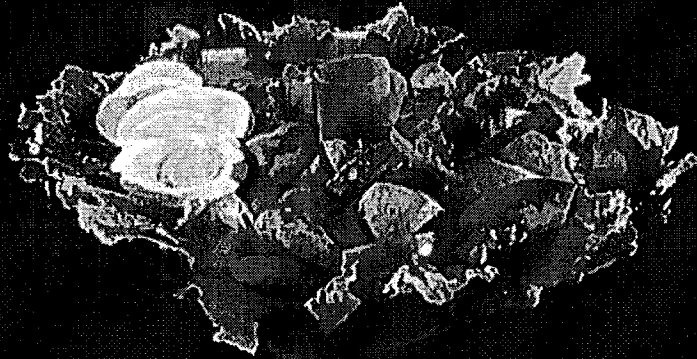


Reuben Sandwich



Fish Sandwich

FRESH SALADS



Grilled Chicken Salad

\$7.99



Crispy Chicken Salad



Greek Salad



Cobb Salad



Cranberry Walnut Spinach Salad



Chef Salad

JUNIOR APPETITES



Junior Apollo Burger

\$5.99

With Small French Fries and Small Drink

(No Substitutions Please)



Junior Hamburger



Junior Grilled Cheese



Junior Corn Dog

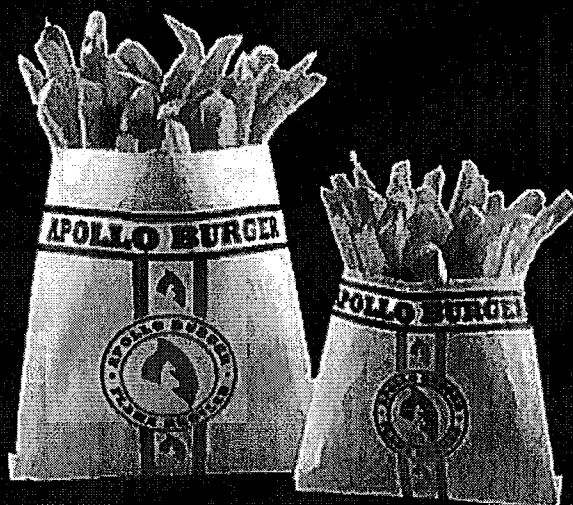


Junior Chicken Tenders



Junior Hot Dog

APPETIZING SIDES



Fries

Regular \$2.49

Large \$3.99



Sweet Potato Fries



Onion Rings



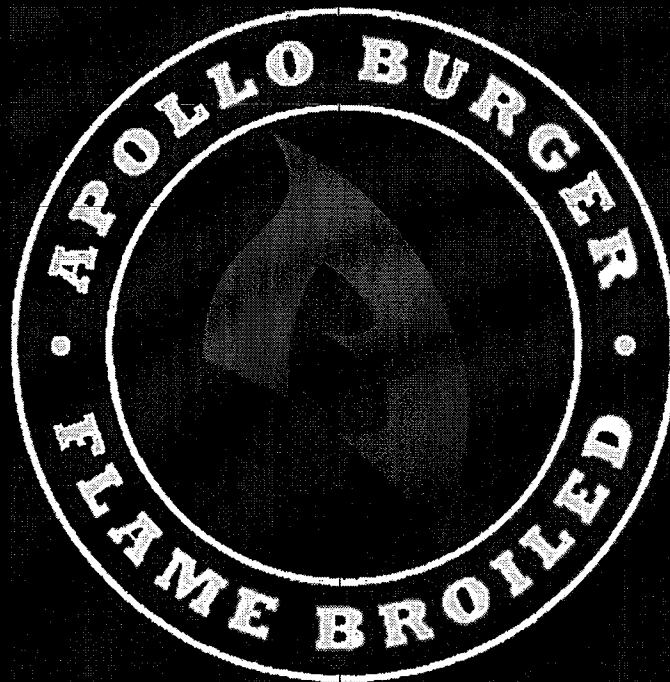
Mozzarella Sticks



Fried Zucchini

- ☐ Fried Mushroom
- ☐ Corn Dog
- ☐ Chicken Tenders (3pc)
- ☐ Garden Dinner Salad

GREAT BREAKFAST



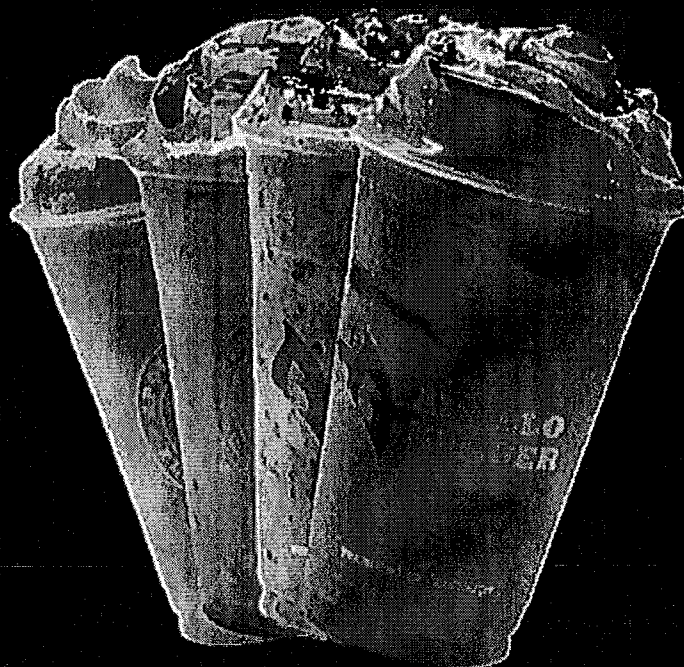
- ☐ Breakfast Platter

\$5.79

2 eggs, choice of Maple Link sausage, bacon, ham or gyro. Served with country potatoes & toast.

- ☐ Pancake Breakfast
- ☐ French Toast Breakfast
- ☐ Mt. Apollo
- ☐ N.Y. Steak and Eggs
- ☐ Omelet Platter
- ☐ Thick French Toast
- ☐ Buttermilk Pancakes
- ☐ Breakfast Burrito
- ☐ Breakfast Sandwich

DESSERTS



Hand-Scooped Ice Cream Milkshake

Regular \$3.29

Large \$4.29



Baklava



Rice Pudding

DRINKS



Fountain Drinks

Regular \$1.89

Medium \$2.19

Large \$2.49

Coke, Diet Coke, Real Beer, Sprite, Mr. Pibb, Lemonade, Fruit Punch, Iced Tea, Powerade



Dasani Water

7/28/2016

Menu - Apollo Burgers

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[MENU](#) [NUTRITION](#) [LOCATIONS](#) [FOOD TRUCK](#) [ABOUT US](#) [CAREERS](#) [CONTACT US](#)

EXHIBIT 2

APOLLO BURGER	5.49
CHEESEBURGER	3.99
BACON CHEESEBURGER	5.49
WESTERN BACON CHEESEBURGER	5.69
DOUBLE CHEESEBURGER	5.69
GOLDEN BURGER	5.69
VEGGIE BURGER	5.49
PATTY	4.99
ATHLETIC	6.49
TANGY	6.49
HAWAIIAN	6.49
PORTOBELLO SWISS	6.49

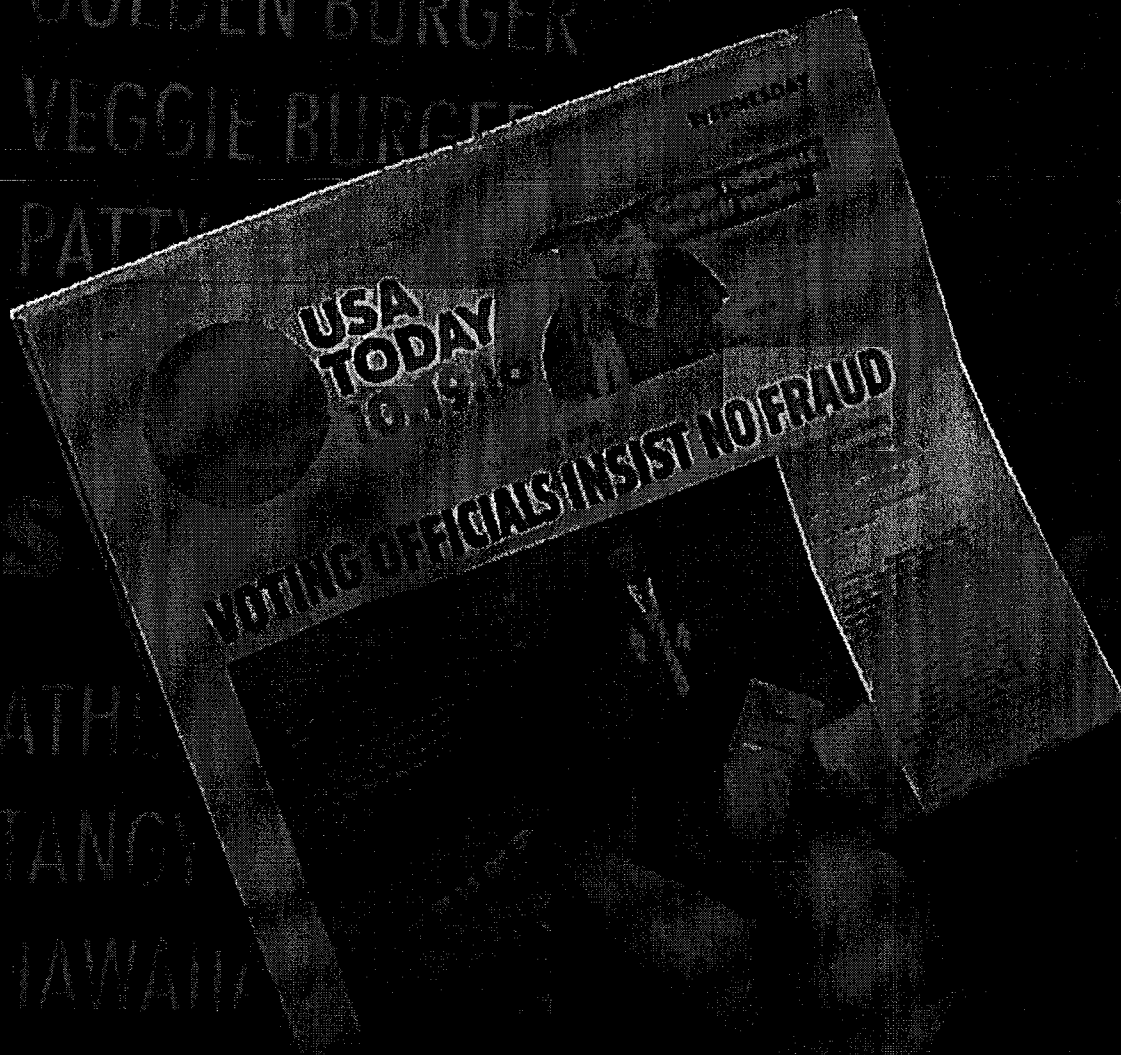


EXHIBIT 3

VOTING OFFICIALS INSIST NO FRAUD